

REMARKS

Claims 1, 2 and 5-65 were pending in this matter on the date of the Office Action. Claims 1, 2, 5-7, 11-30, 47, and 48 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Pat. No. 6,193,747 to von Oepen ("von Oepen '747"). Claims 1, 2, 5-10 stand rejected as being anticipated under 35 U.S.C. § 102 (b) by U.S. Patent 5,776,161 to Globerman ("Globerman '161"). The Examiner has rejected claims 31-46 and 49-65 as being unpatentable under 35 U.S.C. § 103(a) over von Oepen '747 in view of US Pat. No. 6,261,319 to Kveen et al. ("Kveen '319"). By this amendment, claim 1 is amended. A telephone interview was conducted between the undersigned attorney and Examiner Michael Thaler on 12 October 2004.

Interview summary

The undersigned attorney wishes to thank the Examiner for the courtesies extended during the telephone interview of 12 October 2004. During that interview, a proposed amendment to claim 1 regarding the nature of the concave or convex curvature of the first and second bar element portions was discussed. Agreement was reached that claim 1, as proposed, would not be anticipated by von Oepen '747 or Globerman '161. That agreed-upon amendment is presented herein.

Argument

In the telephone interview, the Examiner indicated that the bar element portions of von Oepen '747 and/or Globerman '161 could be considered to be convex or concave in that there was no portion that was linear. The claims have been amended to further recite that the first and second bar element portions are entirely concave or convex over their entire length. Neither von Oepen '747 nor Globerman '161 teach or suggest a stent having first and second bar element portions that are entirely concave or convex over their entire length. For example, Fig. 5 of von Oepen '747, which was specifically cited by the Examiner, provides annular support portions having a sinusoidal configuration. The portions of these members that meet to form a V-shape cannot be considered to be concave over the entire length of the bar element portion or convex over the entire length of the bar element portion. When a first portion is concave, a second portion adjoining the first to form a V-shape is convex. Likewise, the sinusoidal configuration of

the annular portions of the stent provided by Globerman '161 do not teach or suggest a stent having first and second bar element portions that are entirely concave over the entire length of the bar element portion or convex over the entire length of the bar element portion. Therefore, the Applicant maintains that neither von Oepen '747 nor Globerman '161 anticipates the invention as recited in claim 1. Likewise, claims 2, 5-30, 47, and 48, which depend from and contain all the limitations of claim 1, also patentably distinguish over von Oepen '747 and Globerman '161.

Furthermore, the Applicant maintains that the present invention patentably distinguishes over von Oepen '747 in view of Kveen '319. Neither von Oepen '747 nor Kveen '319, either alone or in combination, teach or suggest all of the limitations of claims 31-46 and 49-65. Therefore, the Applicant maintains that claims 31-46 and 49-65 also patentably distinguish over the cited prior art.

Accordingly, the Applicants respectfully request reconsideration of the previous rejections and earnestly solicit the issuance of a Notice of Allowance. No fees are believed to be due with the filing of this response. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,



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